

**STATUS OF THE CLAIMS**

1-77. (cancelled).

78. (new) A cell culture exhibiting cell-type specific or development-specific expression of a non-cell damaging fluorescent protein comprising embryoid bodies formed by aggregates of embryonic stem cells stably transfected with a DNA construct comprising:

- a) a DNA sequence coding for said non-cell damaging fluorescent protein;
- and
- b) a promoter, wherein said promoter is activated after differentiation of the stem cells;

wherein said DNA construct is the plasmid pCX-( $\alpha$ -act)GFP-Neo (DSM 11633).

79. (new) A cell culture exhibiting cell-type specific or development-specific expression of a non-cell damaging fluorescent protein comprising embryoid bodies formed by aggregates of embryonic stem cells stably transfected with a DNA construct comprising:

- a) a DNA sequence coding for said non-cell damaging fluorescent protein;
- and
- b) a promoter, wherein said promoter is substantially inactive in undifferentiated embryonic stem cells;

wherein said DNA construct is the plasmid pCX-( $\alpha$ -act)GFP-Neo (DSM 11633).

80. (new) A DNA construct comprising the plasmid pCX-( $\alpha$ -act)GFP-Neo (DSM 11633).